

REMARKS

Claims 1-110 are pending in the application, with claims 1, 24, 39, 62, 84, 91, and 105 being independent. By this Amendment, claims 56, 67 and 78 have been amended to correct minor informalities. Of those pending claims, claims 24-38 have been withdrawn from consideration as being allegedly drawn to a non-elected invention.

As an initial matter, Applicants wish to express sincere appreciation to the Examiner for the courtesy extended to Applicants' representative during the personal interview held on July 10, 2006. At the interview, various objection and rejections outstanding in the April 18, 2006 Office Action were discussed. The following remarks reflect the subject matter discussed during the interview.

In the Office Action, claim 67 was objected to due to a minor informality (i.e., claim 67 depends from itself). In response, Applicants have amended claim 67 to depend from claim 66. In addition, Applicants have amended claim 78 to depend from claim 62. Thus, reconsideration and withdrawal of this claim objection is respectfully requested.

Claims 4-6, 42-44, 62-83, and 92 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Office Action asserted that these claims indefinite because: (1) claims 4, 42, and 62 are allegedly inconsistent with the subject matter earlier recited in claims 1, 39, and 62; and (2) regarding claim 91, "it is not clearly understood how the at least one other tooth can include two teeth." As agreed upon during the interview, the claims fully satisfy all the requirements of 35 U.S.C. § 102, second paragraph. Thus, Applicants respectfully request reconsideration and withdrawal of these rejections under 35 U.S.C. § 112, second paragraph.

Claims 1, 2, 4-6, 9-23, 39, 40, 42-44, 47-63, 65, and 68-110 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,101,086 to Di Vito (“Di Vito”) in view of U.S. Patent No. 2,270,528 to Kirschenbaum (“Kirschenbaum”). For the following reasons, this rejection should be withdrawn.

Each of independent claims 1, 39, and 62 is directed to an applicator nozzle, comprising, among other things, “an arrangement of at least two teeth …, at least one of the teeth of the arrangement defining a channel being configured to be placed in flow communication with product contained in [a] receptacle, the channel opening on an exterior of the at least one tooth via at least one outlet aperture facing substantially in a direction of at least one adjacent tooth.”

Independent claim 84 is directed to an applicator nozzle comprising, among other things, “a plurality of teeth, at least one of the teeth defining a channel configured to be placed in flow communication with a receptacle containing a product,” “at least one outlet aperture in flow communication with the channel, the outlet aperture opening to an exterior of the tooth on an external lateral surface of the at least one tooth,” and “at least one groove configured to receive product exiting the at least one outlet aperture, the groove extending from the outlet aperture substantially to a free extremity of the at least one tooth, wherein the at least one groove faces an adjacent tooth.”

Independent claim 91 is directed to an applicator nozzle comprising, among other things, “at least two teeth arranged in at least one row, at least one tooth of the row having at least one outlet aperture configured to permit product to flow therethrough for application to a surface, … wherein the outlet aperture faces in a direction of an adjacent tooth.”

Independent claim 101 is directed to an applicator nozzle comprising, among other things, “a row of teeth … comprising: at least one tooth defining a channel configured to allow product to flow therethrough, the channel opening on an exterior of the tooth via at least one outlet aperture facing in a direction of an adjacent tooth.”

As discussed and agreed upon during the interview, neither Di Vito nor Kirschenbaum teaches or otherwise suggests, among other things, “the channel opening on an exterior of the at least one tooth via at least one outlet aperture,” as recited in independent claims 1, 39, and 62, “the outlet aperture opening to an exterior of the tooth on an external lateral surface of the at least one tooth,” as recited in independent claim 84, “at least one tooth of the row having at least one outlet aperture,” as recited in independent claim 91, and “the channel opening on an exterior of the tooth,” as recited in independent claim 101. Moreover, Di Vito and Kirschenbaum, taken either singularly or in combination, do not teach or otherwise suggest, among other things, “at least one outlet aperture facing substantially in a direction of at least one adjacent tooth,” as recited in independent claims 1, 39, and 62, “at least one groove [facing] an adjacent tooth,” as recited in independent claim 84, “the outlet aperture [facing] in a direction of an adjacent tooth,” as recited in independent claim 91, and “at least one outlet aperture facing in a direction of an adjacent tooth,” as recited in independent claim 101. Therefore, reconsideration and withdrawal of this rejection under 35 U.S.C. § 103(a) is respectfully requested.

Claims 3, 7, 8, 41, 45, 46, 64, 66, and 67 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Di Vito in view of Kirschenbaum, and further in view of U.S. Patent No. 6,260,557 to Yarbrough (“Yarbrough”). Dependent claims 3, 7, and 8

depend from independent claim 1, dependent claims 41, 45, and 46 depend from independent claim 39, and dependent claims 64, 66, and 67 depend from independent claim 62. As discussed above, independent claims 1, 39, and 62 are patentably distinguishable over the asserted combination of Di Vito and Kirschenbaum. Yarbrough also does not cure all of the deficiencies of Di Vito and Kirschenbaum. Therefore, these dependent claims should also be allowable at least by virtue of their respective dependencies from allowable independent claims 1, 33, or 62.

Applicants respectfully request the reconsideration of this application, the withdrawal of all the outstanding objection and rejections, and the allowance of all pending claims.

The Office Action contains a number of statements and characterizations regarding the claims and the related art. Applicants decline to subscribe automatically to any statement or characterization in the Office Action, regardless of whether it is addressed above.

Should the Examiner wish to discuss this case, he is invited to call the undersigned at 571-203-2774.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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